



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,348	04/19/2001	Randall W. Ojanen	K-1786	2490

7590

09/11/2002

Kennametal Inc.
P.O. Box 231
Latrobe, PA 15650

EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/838,348

Applicant(s)
Ojanen

Examiner
Sunil Singh

Art Unit
3673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4,6,8 6) ☐ Other:

Art Unit: 3673

DETAILED ACTION

The restriction requirement made in office action (paper no. 5) has been withdrawn.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 13, 20-21 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 line 3, "said annular shoulder" lacks clear antecedent basis.

Claim 13, line 2, "said D-shaped" lacks clear antecedent basis.

Claim 20 the preamble does not commensurate with the claim from which it depends.

Claim 23 line 2, "said D-shaped" lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section

Art Unit: 3673

122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by German document (3712427) (see Fig. 3) or Wipo document (9727383) (see Fig. 1, 4a) or Krekeler or Ojanen or Hedlund et al. (US 3397012, col. 22 line 47; US 4836614, see Fig. 1, 4; US 4921310, see Figs. 2,3).
5. Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kammerer or Moosmann et al. (US 6199956, see Fig. 1; US 6378952, see Figs. 1,2).
6. Claims 2, 8 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German document (3712427) (see Fig. 3) or Wipo document (9727383) (see Fig. 1, 4a) or Krekeler or Ojanen (US 3397012, col. 22 line 47; US 4836614).
7. Claims 9-11, 14, 19-21, 24-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ojanen '614 (see Fig. 4).
8. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German document (19720635) (see Figs. 1-5).
9. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hedlund et al. The wear washer is considered as member (20) in Figure 2; shoulder (22) in Fig. 4; merging neck (see Fig. 4).

Art Unit: 3673

10. Claims 15-17 and 29-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami (US 4247147, see Fig. 5; US 4327947 see Fig. 1, 4; US 5536073, see Fig. 13; US 5645323, see Fig. 1; US 6000153, see Fig. 4).
11. Claims 8 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Beck et al. (US 5807049), see Fig. 1.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over German document (3712427) (see Fig. 3) or Wipo document (9727383) (see Fig. 1, 4a) or Krekeler or Ojanen or Hedlund et al. (US 3397012, col. 22 line 47; US 4836614, see Fig. 1, 4; US 4921310, see Figs. 2,3) or Kammerer or Moosmann et al. (US 6199956, see Fig. 1; US 6378952, see Figs. 1,2). in view of Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami (US 4247147, see Fig. 5; US 4327947 see Fig. 1, 4; US 5536073, see Fig. 13; US 5645323, see Fig. 1; US 6000153, see Fig. 4).

Art Unit: 3673

The rejection above in paragraphs 4, 5 discloses the invention substantially as claimed. However, it lacks dimples on it's sleeve wherein said dimples are retained in a notch in the holder. Rettkowski, Bower, Jr., Sulosky et al., Beach and Sollami all teach dimples on a sleeve wherein the sleeve is retained in a notch in a holder. It would have been considered obvious to one of ordinary skill in the art to modify the rejection in paragraphs 4,5 to include the dimple retaining means as taught by either Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami since this is a well known means to retain a sleeve body with a holder.

14. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedlund et al. in view of German document (19720635).

Hedlund et al. discloses the invention substantially as claimed. However, Hedlund et al. lacks a D-shaped tab opening. German document '635 teaches a D-shaped tab opening (see Fig. 4). It would have been considered obvious to one of ordinary skill in the art to modify Hedlund et al. by having a D-shaped tab opening as taught by German document '635 in order to reduce stress on the sleeve.

15. Claims 12, 13 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojanen in view of German document (19720635).

Ojanen discloses the invention substantially as claimed. However, Ojanen lacks a D-shaped tab opening. German document '635 teaches a D-shaped tab opening (see Fig. 4). It would have been considered obvious to one of ordinary skill in the art to modify Ojanen by having

Art Unit: 3673

a D-shaped tab opening as taught by German document '635 in order to reduce stress on the sleeve.

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ojanen (US 4836614, see Fig. 1; 4) in view of Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami (US 4247147, see Fig. 5; US 4327947 see Fig. 1, 4; US 5536073, see Fig. 13; US 5645323, see Fig. 1; US 6000153, see Fig. 4).

The rejection above in paragraph 7 discloses the invention substantially as claimed. However, it lacks dimples on it's sleeve wherein said dimples are retained in a notch in the holder. Rettkowski, Bower, Jr., Sulosky et al., Beach and Sollami all teach dimples on a sleeve wherein the sleeve is retained in a notch in a holder. It would have been considered obvious to one of ordinary skill in the art to modify the rejection in paragraph 7 to include the dimple retaining means as taught by either Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami since this is a well known means to retain a sleeve body with a holder.

17. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over German document (3712427) (see Fig. 3) or Wipo document (9727383) (see Fig. 1, 4a) or Krekeler or Ojanen (US 3397012, col. 22 line 47; US 4836614) in view of Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami (US 4247147, see Fig. 5; US 4327947 see Fig. 1, 4; US 5536073, see Fig. 13; US 5645323, see Fig. 1; US 6000153, see Fig. 4).

The rejection above in paragraph 6 discloses the invention substantially as claimed. However, it lacks dimples on it's sleeve wherein said dimples are retained in a notch in the holder.

Art Unit: 3673

Rettkowski, Bower, Jr., Sulosky et al., Beach and Sollami all teach dimples on a sleeve wherein the sleeve is retained in a notch in a holder. It would have been considered obvious to one of ordinary skill in the art to modify the rejection in paragraph 6 to include the dimple retaining means as taught by either Rettkowski or Bower, Jr. or Sulosky et al. or Beach or Sollami since this is a well known means to retain a sleeve body with a holder.


Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh


Patent Examiner

Art Unit 3673

SS 9/4/02

SS